Secret
CONFIDENTIAL

19 49. **File No.** R(41)

Returned.

DEPARTMENT 741 ✓

BRANCH B

R&I(7) dt 22/2/57

Subject:— Minoche M.E. Dinshaw. C.E. Lodge Hom

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Copy of a letter from the Government of India, Ministry of Rehabilitation, New Delhi, No.611/3, dated the 31st October 1949.

Subject: THE BOMBAY EVACUEES (ADMINISTRATION OF PROPERTY) ACT 1949.

With reference to your confidential letter No.R-141-B dated the 15th October, 1949, on the subject cited above, I am directed to inform you that the Government of India agree to the views of the Bombay Government that in the case of Parsis a declaration of evacuees should be made only:-

a) if a person, formerly resident in India has left for Pakistan after the 14th August 1947, for reasons connected with the partition etc., and

b) if a person has benefited from evacuee property in Pakistan.

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this Government

Copy of letter No.R.141-B, dated the 15th October 1949.

Subject: THE BOMBAY EVACUEES (ADMINISTRATION OF PROPERTY) ACT, 1949.

I am directed to state that under the above Act, evacuee has inter-alia been defined as a person resident in Pakistan but owning property or carrying on business within the territories comprised in the Province of Bombay, who on account of civil disturbances or the fear of such disturbances, or the partition of the Country or by reason of his residence, in Pakistan, cannot or does not personally occupy or supervise his property or carry on his business or watch his interests or enforce his rights within the Province. It has been found that there are a number of Parsis and other non-muslims who have been residents of Pakistan for decades but own immovable properties in this Province. Such persons would technically come under the definition of "evacuee" but if they are treated as evacuees and their properties taken over, it is likely to create certain misgivings in the minds of the members of minority community of this Province. It has also been observed that such persons had their business or properties in India before the partition even though their permanent place of residence was in territories now included in Pakistan. Their present residence in Pakistan is not of their choice but a result of circumstances over which they had no control. This Government is, therefore, of the view that in the case of Parsis and similar communities, a declaration of evacuee should be made only:-

a) if a person, formerly resident in India, has left for Pakistan after the 1st March 1949, for a reasons connected with the partition etc., and

b) if a person has benefitted from evacuee property in Pakistan.

P.T.O.

2. I am to enquire whether the Government of India agree with the above. A very urgent reply is requested.

S E C R E T.

No.R.141/31588-B.
Rehabilitation Department,
Bombay Castle (Bombay No.1), 11th November 1949.

Forwarded with compliments to:

The Custodian of Evacuee Property, Bombay.
The Collector of Bombay and Bombay Suburban District,
The Deputy Custodian of Evacuee Property, Bombay.
All Other Collectors and Deputy Custodians of Evacuee Property;

for information and guidance.

By order of the Governor of Bombay,

Sd/-(D.N.PINGE)
Assistant Secretary to the Government of Bombay,
Rehabilitation Department.

hss.1/6

Copy of a letter No.14(57)Cus/50-II, dated the 3rd January 1950 from the Government of India, Ministry of Rehabilitation, New Delhi.

Subject:- Application of the administration of Evacuee Property Ordinance to Parsees.

I am directed to state that the question of application of the Evacuee Property law to Parsees in India or Pakistan who may have contravened the provisions of the law, has been under the consideration of the Government of India. In this connection I am to say that though it is not the intention of the Government of India to take any measures that might harass genuine Indian nationals, any general exemption of Parsees from the application of the Evacuee Property law is likely to give an opportunity at least in some cases for their being used as agents of evacuees. It is also possible that certain Parsees may have after the partition acquired evacuee property in Pakistan or otherwise contravened the provisions of the Evacuee Property Ordinance substantially. To provide for such cases, it has been decided that the Provincial Governments may use their discretion to determine, whether in a certain case a Parsee can be deemed to have acted in a manner prejudicial to the spirit of the Evacuee Property law. In such a case it would be in order for Provincial Governments to apply the provisions of the Evacuee Property law. I am to request that the decision of the Government of India may be noted and enforced in cases covered by it.

This supersedes this Ministry's letter No.611/S, dated 31-10-49.

SECRET.

No.R.141/837-B.
Rehabilitation Department,
Bombay Castle, (Bombay No.1) 11th January 1950.

Forwarded with compliments to:

The Custodian of Evacuee Property, Bombay,
The Additional Custodian of Evacuee Property, Bombay,
The Deputy Custodian and Deputy Custodians of Evacuee Property,

for information and guidance in continuation of this Department Secret Endorsement No.R141/31588-B, dated the 11th November 1949.

By order of the Governor of Bombay,

Sd/-(D.R.PINGE.)
Assistant Secretary to the Government of Bombay
Rehabilitation Department.

18.1/6